

United States District Court

Eastern District of California

Case # 1:22-CV-01209-SAB(PC)

Charles Ellis SR  
Plaintiff  
vs  
Kern County Sheriff  
DEPT, & COUNTY OF Kern  
et, al

1<sup>ST</sup> AMENDED Complaint

1 AMENDED 1

**LODGED**

NOV 21 2022

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY                      DEPUTY CLERK

Claim #1 - SEE ATTACHED MARKED AS  
Continuation - 1-4 Pages

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NOV 21 2022

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY                      DEPUTY CLERK

11-14-22

Charles Ellis

Chad Le

1 Plaintiff is a Pre-trial detainee, housed in the  
2 Kern County Jail, Lerdo Justice facility. Plaintiff  
3 has been being treated for Knee Pain, in this county  
4 Jail since 3-01-21. Medical Staff here in the county  
5 Jail have noted, considerable swelling to Plaintiff's  
6 left knee, and on several occasions have had to  
7 send Plaintiff out, to have fluid drained from his  
8 left knee, in order to supply comfort. This has been  
9 going on continuously, sometimes once a month.  
10 Finally Jail Doctors, decided to try and find the cause  
11 of Plaintiff's knee injury, and scheduled an appointment  
12 with an orthopedic specialist, to assist in the area  
13 of, and to find the cause.

14 After Plaintiff's regular scheduled  
15 visit, with the orthopedic specialist was conducted.  
16 Plaintiff was then transported back to the  
17 Kern County Jail, to await another visit with the  
18 facility's doctor, in order to go over any findings,  
19 and recommendations, made by the orthopedic  
20 specialist.

21 Plaintiff was called in to the facility's  
22 medical area and was seen by the facility doctor  
23 and was told that the orthopedic doctor did not  
24 visibly, see any reason for the fluid and swelling  
25 and that, the X-Ray showed no further help.  
26 I was then informed of the orthopedic doctor's  
27 recommendations and temporary remedies, while  
28 I await an "MRI," that he had scheduled on my  
behalf.

1 I was told by faculty doctors, that the orthopedic  
2 specialist, wanted me to use "crutches", in order to  
3 comply with his order, to be "Non weight bearing"  
4 on my left swollen knee, and that I was to try  
5 and keep my leg elevated, as much as possible  
6 until the problem, causing me "extreme pain" could be  
7 found, due to his "MRI" recommendation.

8 Faculty Doctors, asked me would I be willing  
9 to use crutches, and I said yes, and then they  
10 provided me with an ACE Bandage wrap, as they  
11 also wrapped my left knee as well.

12 Plaintiff then concluded the doctor's visit and  
13 was escorted to his cell, to await the delivery of  
14 the crutches.

15 At around 8pm that same night, the Nurse who  
16 passes out medication, came by my door and as  
17 she passed me my medication, she also passed  
18 me a faculty "chrono", concerning my crutches and  
19 leg wrap.

20 I read on the face of the chrono, that Plaintiff  
21 was to be issued faculty equipment, in the form  
22 of crutches, as well as a leg wrap. But further  
23 on down at the bottom of the chrono, I saw  
24 that the chrono had been "denied" by custody  
25 staff, SGT. Escandon, with a note stating  
26 that my chrono and prescription for crutches  
27 would be denied because I was seen walking  
28 on camera, by SGT. Escandon.

1 AT THIS time Plaintiff was indeed walking  
2 However, any visual person, or camera, would see  
3 Plaintiff Limping, in obvious Pain. It would be  
4 clear to see that Plaintiff was barely able to  
5 walk or put weight on his leg, due to his injury.

6 Plaintiff was never un-able to walk at any  
7 stage of time, & in order for Plaintiff to be able to  
8 use crutches, it would take some form of being  
9 able to walk in order to do so.

10 SGT Escandon, a custody and security staff  
11 member, of high rank, violated my 14th amendment  
12 By denying me my right to adequate medical care.  
13 His Decision was a decision he made, put the  
14 Plaintiff at Risk of Causing further harm, and  
15 Serious Pain to be ENDURED by the Plaintiff.

16 SGT Escandon. Did not take it upon his self  
17 as being one of high rank, to go investigate  
18 and find the reason a recommendation was made  
19 in the first place, showing Blatant disregard  
20 to Plaintiff safety, and by NOT taking such  
21 measures the defendant caused Plaintiff's  
22 Injuries AS He did NOT take any reasonable  
23 steps, or available measures to abate the risk,  
24 AFTER Plaintiff discovered That SGT Escandon  
25 denied me the relief of medical care and medical  
26 equipment, Plaintiff filed an Institutional  
27 Grievance, complaining That the SGT Decision  
28 to deny, violated my 14th amendment Due Process

1 clause, by denying my right to receive adequate  
2 medical care. After turning in my complaint,  
3 I was informed by way of response, to my grievance  
4 that it is institutional Policy that the SGT  
5 was led by, in his decision to deny me my medical  
6 equipment, therefore Plaintiff further alleges  
7 that the Kern co. Sheriff's department as a whole,  
8 Based on institution Policy, and or custom  
9 caused Plaintiffs injuries, By their Policy being  
10 the guide that allows high ranking custody staff  
11 to be able to approve or disapprove, Prescriptions  
12 Prescribed by facility doctors and care givers.  
13 This Policy allowed the SGT. to fail to act in  
14 my favor causing a Deliberate indifference, to  
15 the violation of my rights, as to the department  
16 itself, following Policy, in which a Pattern of  
17 Prison and similar violations of Inmates  
18 and Plaintiffs federally protected rights.

19 I hereby state that the following Above  
20 information, is honest and true, to the  
21 Best of my ability.

22 Dated 10-24-22  
23 Signed Charles E. SR  
24 Charles Ellis SR  
25  
26  
27  
28



V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

PLAINTIFF REQUEST Monetary Compensation in the  
Sum of \$500,000.00 for Pain and suffering, mental  
anguish and for the additional Hard received from  
Defendants actions against Him.

I declare under penalty of perjury that the foregoing is true and correct.

Date:

11-4-22

Signature of Plaintiff:



Supporting Facts (Include all facts you consider important to Claim 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 2.):

## Plaintiff COURT Request

Plaintiff wishes to be compensated in the amount of \$500,000.00 for pain and suffering mental anguish and for the additional harm Defendants actions, caused against Plaintiff.

Charles Ellis  
Signed: Charles Ellis

11-14-22